

Message Text

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ACTION NEA-10

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AMEMBASSY NEW DELHI
AMEMBASSY PARIS
AMEMBASSY TEHRAN
AMCONSUL KARACHI
AMCONSUL LAHORE
CINCPAC HONOLULU

C O N F I D E N T I A L ISLAMABAD 7543

CINCPAC FOR POLAD

E.O. 11652: GDS
TAGS: PINT, SHUM, PK
SUBJECT: BHUTTO APPEAL CONTINUES

REF: (A) KSARCHI 3657 NOTAL, (B) ISLAMABAD 7353,
(C)SOSLAMABAD 7075

BEGIN UNCLASSIFIED:

1. SUMMARY: THE PAKISTAN SUPREME COURT'S HEARING IN THE
APPEAL OF FORMER PRIMIN BHUTTO AND FOUR OTHERS ON THEIR
MURDER/CONSPIRACY CONVICTIONS ENDED ITS NINTH WEEK
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AUGUST 2. BHUTTO'S COUNSEL CONTINUED HIS ARGUMENTS,
A CONTROVERSY ERUPTED OVER BHUTTO'S HEALTH, AND THE
RETIREMENT OF ONE OF THE JUSTICES CAUSED CONSTERNATION IN
THE BHUTTO CAMP. END SUMMARY.

2. BHUTTO'S ATTORNEY, YAHYA BAKHTIAR, CONTINUED TO FOCUS HIS
ARGUMENTS IN THE SUPREME COURT HEARING OF THE APPEAL OF FORMER

PRIMIN BHUTTO AND FOUR OTHERS ON THEIR MURDER/CONSPIRACY CONVICTIONS
ON TWO POINTS IN THE PROSECUTION'S CASE:

--BAKHTIAR CONTENDED THAT THE EMPTY CARTRIDGES RECOVERED
FROM THE SCENE OF THE MURDER COULD NOT HAVE BEEN USED IN THE SMALL
MACHINE GUNS SAID BY THE PROSECUTION TO HAVE BEEN USED TO COMMIT
THE CRIME. HE ALSO CLAIMED THAT THE TYPE OF MACHINE GUN ALLEGEDLY
USED WAS ISSUED TO MANY UNITS OF THE
FEDERAL SECURITY FORCE (FSF) AND THUS DID NOT NECESSARILY TIE
THE CRIME TO THE LAHORE UNIT;

--BAKHTIAR CONTINUED HIS ARGUMENT THAT STATE'S WITNESSES'
STATEMENTS ABOUT THEIR WHEREABOUTS WERE FILLED WITH INCONSISTENCIES.
BAKHTIAR SAID THAT TIME AND ATTENDANCE RECORDS FOR
THE MEN EITHER SHOWED THEM TO BE OUT OF LAHORE ON VITAL DAYS
OR HAD BEEN "LOST" BY THE FSF.

3. THE WEEK ALSO SAW ANOTHER CONTROVERSY OVER BHUTTO'S HEALTH.
IN THE MIDST OF HIS ARGUMENT AUGUST 1, BAKHTIAR SAID THAT
BHUTTO'S HEALTH WAS DECLINING AND THAT HE NEEDED MEDICAL ATTENTION.
THE PROSECUTION CLAIMED IN REPLY THAT THEY HAD HEARD
NO COMPLAINTS FROM THE FORMER PM, TO WHICH BAKHTIAR RETORTED THAT
BHUTTO SHOULD BE BROUGHT INTO THE COURTROOM SO THAT ALL COULD
SEE HIS STATE. ON AUGUST 2, THE COURT, AFTER HEARING
FROM THE PROSECUTION THAT BHUTTO HAD, IN FACT, REFUSED TO BE EXAMINED
BY THE JAIL DOCTOR AND A MEDICAL SPECIALIST FROM THE CENTRAL GOVERN-
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MENT HOSPITAL, PERMITTED HIS PERSONAL PHYSICIAN TO EXAMINE
THE FORMER PRIMIN.

4. BEGUM BHUTTO HAS HAD HER HOUSE ARREST MOVED TO ISLAMABAD
SO THAT SHE CAN VISIT HER HUSBAND MORE EASILY. SHE IS SAID TO BE IN
POOR HEALTH, AND THE DRIVE FROM LAHORE TO RAWALPINDI REPORTEDLY
BECAME AN EXCESSIVE STRAIN. END UNCLASSIFIED

BEGIN CONFIDENTIAL:

5. THE SUPREME COURT ITSELF CHANGED COMPOSITION WITH THE RETIREMENT
JULY 30 OF JUSTICE QAISER KHAN. BAKHTIAR ASKED THE CHIEF JUSTICE
TO REAPPOINT KHAN AS AN AD HOC JUDGE TO FINISH THE BHUTTO CASE,
BUT THE CHIEF JUSTICE DENIED THE REQUEST,
SAYING THAT KHAN HAD REACHED THE MAXIMUM AGE OF 65. CONGEN KARACHI
REPORTS THAT SOURCES THERE SAY BAKHTIAR'S REQUEST REFLECTED HIS
BELIEF THAT BHUTTO'S CHANCES OF ACQUITTAL ARE LESSENNED BY KHAN'S
RETIREMENT. KARACHI ADDS THAT THE BHUTTO
FAMILY IS ALSO UPSET BY THE REDUCTION
OF THE COURT FROM NINE TO EIGHT JUSTICES. PAKISTAN
PEOPLES PARTY SOURCES IN THAT CITY ARE
SAID TO HAVE BELIEVED, UNTIL KHAN'S RETIREMENT, THAT THE COURT WAS

LIKELY TO HAVE SPLIT FIVE TO FOUR IN BHUTTO'S FAVOR, WITH JUSTICE
KHAN ONE OF THE FIVE VOTING FOR BHUTTO. END CONFIDENTIAL.

6. THE HEARING RESUMES AUGUST 5. HUMMEL

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